

f. Confidentiality & Data Protection Policy

We understand that at times, the work of the Nursery and with children, families and staff will bring our staff into contact with confidential information. To ensure that all who use and work in the Nursery can do so in confidence, confidentiality will be respected in the following way:

- Nursery Village will ensure that all information is stored and shared according to the regulations and guidance of the General Data Protection Regulation 2018.
- The Nursery will ensure that the staff team are aware of the implications of the GDPR 2018 in so far as it affects their roles and responsibilities within the Nursery.
- Nursery Village will ensure there is a Privacy Notice for parents, staff and an Information Audit of processing activity alongside this [Confidentiality and Data Protection Policy](#).
- Nursery Village will ensure it facilitates an open approach with parents or carers with regard to its policies and procedures and the information that we hold on their child.

Compliance with the GDPR

Nursery Village will comply with the six principles of the GDPR which say;

- that the data processing must be lawful and transparent;
- only used for the purpose for which it was originally requested (unless with further consent);
- limited to what is necessary, accurate and kept up to date;
- retained or deleted appropriately;
- and processed with integrity and responsibly to avoid loss or damage.

Nursery Village has an appointed 'data controller' and is registered with the Information Commissioner's Office (ICO) – Registration Number: ZA474557

In line with the EYFS, we will liaise with parents or carers to keep them updated about their children's well-being and progress. Parents or carers have rights to their own information as well as that of their children. Our [Confidentiality and Data Protection Policy](#) will detail this and the 'lawful basis' for holding this data.

In line with the EYFS and Employment Law we will keep records on staff and volunteers to ensure suitability, good practice and well-being. Staff and volunteers have a right to their own information.

Procedures

Prior, written permission and consent will be obtained to hold personal details on children, parents and employees, through our Terms & Conditions or Contract of Employment.

All personal records will be stored in a secure location. For paper records this means, within lockable storage. For computer or digital records this means that files will be password protected. Security measures will be implemented for any and all portable media equipment.

The safety and welfare of the children will be paramount; any disclosures relating to issues of child protection will be discussed with the relevant agencies and our [Safeguarding Policy](#) will be implemented.

Any serious concerns or evidence relating to a child's personal welfare will be recorded and kept in a confidential file and will not be shared within the Nursery except with the necessary staff and the parents or carers. The exception to sharing information with the parents or carers is where doing so would put the child at significant risk of harm.

All children's records will be available to the parents or carers of that child, but they will not have access to any information about other children. This includes having separate accident and incident reports to respect the confidentiality of the other children. Relevant staff will have access to this information.

Records and information we hold will be made available to parents, carers, staff and volunteers upon request ('Subject Access Request'), within 1 month, unless subject to an exemption. If for any reason a request is going to be refused, then this decision, and an explanation, will be communicated in writing within 1 month.

Staff will not discuss individual children, other than for purposes of planning or reviewing group management, with anyone other than the parents or carers of that child, without their permission, unless required to do so by an OFSTED or other statutory agency request.

Personal information will not be released to external agencies without the prior permission of parents or carers. We will seek active consent to share information with health, education and inclusion professionals. The exception to this is where doing so would put the child at significant risk of harm.

Parent or carer information may be shared with the HMRC and other providers of Free places.

The management, staff, volunteers and any other individual associated with Nursery Village will respect confidentiality by not discussing:

- confidential matters about children with other parents or carers.
- confidential matters about parents or carers with children or other parents or carers.
- individual children outside of the provision.
- confidential information about staff members.

Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to those directly involved with making personnel decisions.

Students, volunteers and management will be advised of our confidentiality and data protection policy and are required to respect and adhere to it.

Failing to adhere to our [Confidentiality and Data Protection Policy](#) will be considered Gross Misconduct and subject to action under the provisions of the Disciplinary Procedure.

Data breach

We must report any data breach to the ICO if, for example, personal data was lost, destroyed, shared inappropriately, or if someone accessed information without permission. Parents have a right to complain to the ICO.

If a data breach occurred the individuals involved would be informed and it would be addressed promptly. We would take steps to establish the severity and tell the ICO, if required. We must investigate a data breach within 72 hours and failure to notify a breach may result in a fine.

Advice is available from the ICO Helpline 0303 123 1113

Children's rights

Children have the same rights as adults over their personal data and only children aged at least 13 or over are able provide their own consent in the UK. For children under this age we need to get consent from whoever holds parental responsibility for them. We must make reasonable efforts to verify that the person giving consent does, in fact, hold parental responsibility for the child.

There is some information which we must hold by law in order to register a child, such as a child's date of birth and parents' contact details. There is also a statutory requirement to keep some record of your child's learning progress. There is other information which we may ask for, which is based on consent and we should indicate that it is consent-based, so that parents or carers have the option to refuse or withdraw consent, for example they may not wish us to take photographs of their child.

Retention of records

When a child has moved on from the Nursery, we will hand over educational records (Family Journey) and photographs to the parent or carers and delete any copies where they are not subject to statutory retention requirements. Other records will be retained for a varying length of time depending on the reason for retaining those records.

We have detailed the retention periods in the Privacy Notice to parents or carers and retention of records document for staff.

If we resign the childcare registration, we will keep records securely for as long as we are legally required, depending on the reason for retention.

Paper documents will be shredded. Information on digital storage devices will be deleted when it is no longer required

Staff records will be retained throughout employment and when an individual leaves some records will be handled in line with the retention of record document.